

REMARKS/ARGUMENTS

A. General:

1. Claims 1, 13, 14, 20, 48, and 51 have been amended to add the step of generating an image of the illuminated cells, lumen wall, and body lumen, respectively; support is found in claim 2 which has been canceled and paragraph [0109] of the specification. Claim 9 and claims 27 (second occurrence) - 50 have been amended, claim 9 to provide proper antecedent basis and claims 27 (second occurrence) - 50 by being renumbered to claims 28-51, respectively, due to there being two claim 27s originally, and to change dependencies, as appropriate, in light of the change in claim numbers. Claims 8, 14, 20, 22, 43, and 49 - 51 have been amended to correct typographical errors. Claim 19 has been amended to correct its dependency from claim 10 to claim 14 as otherwise it is essentially redundant with claim 12.

2. Claim 2 has been canceled.

3. Claims 22-24 stand allowed.

4. Claims 1 and 3 - 51 remain in the application.

B. Claim Objections:

The Examiner has objected to the claims as there are two claim 27s.

Applicants have renumbered the claims beginning with the second claim 27 to claim 50 to claims 28 - 51, respectively, thereby obviating this objection.

Applicants refer herein to the claims as renumbered.

C. §112 Rejection:

The Examiner has rejected claim 9 under 35 USC §112, second paragraph, because "the animal" as recited in line 3 has insufficient antecedent basis.

Applicants have amended claim 9 to recite "an animal" thereby obviating this rejection.

D. §102 Rejection:

The Examiner has rejected claims 1 - 3, 5 - 6, 13, 25 - 28, 37 - 42, 46 - 49, and 51 under 35 USC §102(b) as being anticipated by Crowley et al. (US Patent 6,324,418).

Applicants have amended claims 1, 13, 48, and 51 as noted above. Crowley et al. uses tissue spectroscopy (column 3, lines 19-20, and column 7, line 53). Applicants, on the other hand, generate an image of the illuminated cells/lumen wall constructed from the pixels generated by the fluorescent signals (see e.g., paragraphs [0063], [0064], and [0109]). The Examiner cites column 5, lines 7-15 as disclosing this element. Applicants respectfully disagree because all Crowley et al. recites is the use of location coils for generating an image of the area within the body in which the capsule is located by using magnetic resonance scanning techniques. Applicants submit that this is completely different from Applicants' use of pixels from the fluorescent signals to generate an image of the cancer cells/lumen wall which image Crowley et al. cannot provide. Therefore, Crowley et al. cannot anticipate claims 1, 13, 48, and 51 as amended, or claims 3, 5, and 6 which depend from claim 1, or claim 49 which depends from claim 48.

With regard to independent claim 25, Applicants submit that Crowley et al. does not disclose "...a second optical element mounted to the solid support for directing onto the detector the particular fluorescent signal emitted from the section illuminated..." as recited in claim 25. Applicants' second optical element is not an optical window but rather, in one embodiment, is an axicon and, in another

embodiment, is a rotating mirror both of which meet the recited claim element above for directing onto the detector the fluorescent signal. After reviewing Crowley et al., Applicants cannot find a first optical element let alone a second optical element that directs a signal onto the detector. Neither the cited distal window 5 (Fig.1) nor the light detectors 6b (Fig.1) are, or disclose, Applicants submit, the second optical element for directing a signal onto the detector as recited in claim 25. Therefore, Crowley et al. cannot anticipate claim 25 or claims 26 - 28 and 37 - 42, which depend therefrom. Furthermore, as discussed above, claims 40-42, directed ultimately to generating an image of the lumen wall, are on that basis as well not anticipated by Crowley et al.

With regard to claim 46, the Examiner does not argue that Crowley et al. discloses a navigating system. Furthermore, Applicants submit that Crowley et al. also does not disclose a wireless power transfer system as recited in claim 46. The power source 15 (Fig.2A) of Crowley et al. is just that but is clearly not a wireless power transfer system as described in Applicants' specification, paragraph [0155]. Because Crowley et al. does not disclose the wireless power transfer system recited in claim 46, it cannot anticipate claim 46.

With regard to claim 47, Applicants submit that Crowley et al. does not disclose "a position control system for working against peristaltic action" as recited in the claim and disclosed in paragraph [0160] of Applicants' specification. Crowley et al.'s control module 19 (Fig.2A) as described in col.5, lines 31-40, does not perform the function specifically recited in claim 47. Therefore, Crowley et al. cannot anticipate claim 47.

E. §103 Rejections:

1. The Examiner has rejected claims 4, 7 - 10, 43, and 50 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Daighighian et al. (US Pub. No. 2002/0168317).

Daighighian et al. is directed to labeling for use with probes not autonomous capsules. Claims 4 and 7-10 depend from claim 1 and claim 50 depends from claim 48. As discussed above, Crowley et al. does not disclose generating an image of the illuminated cells/lumen wall as recited in claims 1 and 48 respectively; therefore, Applicants submit that the combination of Crowley et al. and Daighighian et al. cannot render obvious claims 4, 7-10, and 50. Similarly, also as discussed above, the second optical element recited in claim 25 is not disclosed by Crowley et al. and, therefore, claim 43, which depends from claim 25, is not rendered obvious by the cited references. Furthermore, Applicants note that there is no cite to language in either reference which would render obvious claim 8.

2. The Examiner has rejected claims 11 and 45 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Daighighian et al. and in further view of Rodriguez et al. (US Pub. No. 2004/0049148).

For the reasons cited above with regard to claims 1 and 25 from which the rejected claims depend, respectively, the combination of the cited references does not render obvious claims 11 and 45.

3. The Examiner has rejected claims 12 and 44 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Daighighian et al. and in further view of Reed et al. (US Patent 6,197,013).

For the reasons cited above with regard to claims 1 and 25 from which the rejected claims depend, respectively, the combination of the cited references does not render obvious claims 12 and 44.

4. The Examiner has rejected claims 14 - 16 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Takizawa et al. (US Pub. No. 2003/0020810) and in further view of Gazdzinski (US Patent 6,984,205).

Applicants first note that this rejection begins by stating that: "Crowley et al. in view of Takizawa et al. teaches all the limitations of claims 1 and 4 as described above..." but Applicants do not see such a description in the action. Second, claim 17 is not mentioned in the action; Applicants have assumed that it was intended to include it under this rejection.

Applicants have amended claim 14 to include the step of generating an image of the illuminated cells using the detected particular fluorescent signal. As claim 14 recites, this step follows administration of an exogenous fluorescent-labeled probe. Applicants submit that the references in combination do not disclose the invention as defined by claim 14 and, therefore, do not render claim 14 or claims 15-17 which depend therefrom, obvious.

5. The Examiner has rejected claim 18 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Takizawa et al., Gazdzinski, and in further view of Rodriguez et al.

For the reasons cited above in Applicants' response to the rejections of claims 14-16, the combination of the cited references does not render obvious claim 18.

6. The Examiner has rejected claim 19 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Takizawa et al., Gazdzinski, and in further view of Reed et al.

For the reasons cited above in Applicants' response to the rejections of claims 14-16, the combination of the cited references does not render obvious claim 19.

7. The Examiner has rejected claims 20 - 21 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Takizawa et al. and in further view of Tachibana et al. (US Patent 6,176,842).

Applicants have amended claim 20 as they did claim 14. For the reasons provided in Applicants' response to the rejection of claim 14, the references cited in this rejection do not render obvious either claim 20 or claim 21 which depends therefrom.

8. The Examiner has rejected claim 29 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Takizawa et al.

For the reasons cited in Applicants' response to the rejection of claim 25, the cited references in combination do not render obvious claim 29.

9. The Examiner has rejected claims 30 - 31 and 33 - 35 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Iddan et al. (US Patent 5,604,531).

For the reasons cited above in Applicants' response to the rejection of claim 25, the cited references in combination do not disclose and render obvious claims 30-31 and 33-35.

10. The Examiner has rejected claims 32 and 36 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Hochrainer et al. (US Patent 6,949,154).

For the reasons cited above in Applicants' response to the rejection of claim 25 and, additionally, for the reason that Hochrainer et al. is directed to sealing medicinal capsules and has nothing to do with the type of invention claimed by Applicants, the cited references in combination do not render obvious claims 32 and 36.

F. Conclusion:

The Examiner having allowed claims 22 – 24, Applicants respectfully request that a timely Notice of Allowance be issued in this case for claims 1 and 3 - 51.

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